



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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January 14, 2014

Dr. Jaime Rivera, Superintendent
Riverside Elementary School District No. 2
1414 South 51st Avenue
Phoenix, Arizona 85043

Re: Riverside School District
Case Number: 08-13-1131

On March 19, 2013, we accepted for investigation a complaint against the Riverside School District (District), OCR case number 08-13-1131. The Complainant alleged the District discriminated on the basis of disability. Specifically, the Complainant alleged the District denied a Student a free appropriate public education (FAPE) when it failed to provide required supports to the Student in reading, writing, and math in his special education classroom that were specified in the Student's Individualized Education Program (IEP). He also alleged the District denied the Student a FAPE when it failed to provide the Student speech services as required in his IEP.

We initiated an investigation of these allegations under Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and their implement regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively. The District is subject to Section 504 and Title II because it is a recipient of Federal financial assistance from the U.S. Department of Education and is a public entity.

During the course of processing this complaint, the District indicated its desire to voluntarily enter into an agreement to resolve the allegations pursuant to Section 302 of the *Case Processing Manual*. We reviewed this request and determined that it justified entering into an agreement without completing a full investigation.

On January 10, 2014, we received the District's signed Resolution Agreement. When the Agreement is fully implemented, the allegations will have been resolved consistent with the requirements of Section 504, Title II and their implementing regulations. We will monitor implementation of the Agreement through periodic reports demonstrating the terms of the Agreement have been fulfilled. We will promptly provide written notice of any deficiencies with respect to the implementation of the terms of the agreement and will promptly require actions to address such deficiencies. If the District fails to implement the Agreement, we will take appropriate action, which may include enforcement actions.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

Additionally, the Complainant may have a right to file a private suit in Federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. If you have any questions regarding this matter, please contact XXXX, at 303-844-XXXX, or me at 303-844-4506.

Sincerely,

Thomas E. Ciapuci
Supervisory Team Leader

Enclosure

cc: Ms. Heather R. Pierson
Udall Shumway